

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO, COUNCIL #68
and
TOWN OF MERRIMACK, N. H.

CASE NO. A-0459
DECISION NO. 80012

APPEARANCES

Representing AFSCME:

William J. McDonough, Executive Director
Joyce Anderson, Asst. Executive Director

Representing the Town of Merrimack:

James McSweeney, Town Manager
Laurence Kelly, Attorney
Edward Blaine, Superintendent

BACKGROUND

On August 29, 1979, the National Association of Government Employees (NAGE) petitioned for certification through the election process for a proposed unit of 58 employees, all non-supervisory, employed by the Town of Merrimack exclusive of police officers, Fire Department employees, managerial, supervisory and confidential employees. Employees in the proposed unit were from the Highway Department, Town Hall, Tax Office, clerical employees of the Police Department, Waste Water Treatment Plant, Cemetery and the Incinerator operations.

Also on August 29, 1979 the American Federation of State, County and Municipal Employees (AFSCME) petitioned for an approximate unit of 37 employees of the Waste Water Treatment Plant and the Highway Department with the exclusion of the Waste Water Treatment Facilities' Superintendent, Assistant Superintendent and the Highway Department Superintendent.

A hearing was held in the Board's office on October 25, 1979 at which time NAGE withdrew their petition and the Board ordered AFSCME and the Town to go back and try to agree on the composition of the unit.

Failing to reach an agreement, the Board held a hearing on January 24, 1980 to determine the appropriate unit.

FINDINGS OF FACT

1. Four positions were still at issue; i.e. Chief Operator, Chemist, Lab Technician and the Clerk.

2. The Chief Operator is under the direct supervision of the Superintendent and Assistant Superintendent and although he does supervise the operation of the incinerators and assists in the hiring or recommendations of personnel, the Superintendent is the management personnel directly in charge.

3. The Chemist is in complete charge and control of the laboratory. He is also directly responsible for analysis of water at the Treatment Plant.

4. The Lab Technician works under the direct supervision of the Chemist.

5. The Account Clerk is the only clerical employee who has access to all confidential files. She is directly involved in typing of all correspondence, personnel records, minutes of all meetings and would be involved in transcription and records of labor negotiations.

DECISION AND ORDER

A. A collective bargaining unit is hereby created within the Highway Department and the Wastewater Treatment Facilities in the Town of Merrimack including:

Highway Department: Laborers, Truck Drivers, Heavy Equipment Operators and Mechanics.

Wastewater Treatment Facilities: Chief Operator, Operators I and II, Lab Technician, Maintenance Mechanics, Laborers and Truck Drivers.

B. Excluded from the unit as Supervisory: Superintendent, Assistant Superintendent and Chemist in the Wastewater Treatment Facilities and the Superintendent of the Highway Department.

C. Excluded from the Unit as confidential employee: Account Clerk I.

D. In accordance with RSA 273-A:10 and Rules and Regulations Section 2.4 a secret ballot election shall be conducted by this Board as soon as possible.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Dated this 21st day of February, 1980

Unanimous vote, Chairman Edward J. Haseltine presiding; present and voting, members Robert D. Steele and Joseph B. Moriarty. Also present, Executive Director, Evelyn C. LeBrun.